

REMARKS

This application has been reviewed in light of the Office Action dated May 27, 2008. Claims 9-15 are presented for examination, of which Claim 9 is in independent form. Claims 9, 10, 11 and 13-15 have been amended to define Applicant's invention more clearly. Applicant requests favorable reconsideration and allowance of the subject application.

At paragraph 1 of the Office Action Claims 12 and 15 were objected to under 37 CFR § 1.75(c) as being in improper multiple dependent form. Applicant respectfully disagrees. Applicant submits that neither Claim 12 nor Claim 15 serves as the basis for any other multiple dependent claim in this application and are in compliance with 37 C.F.R. § 1.75(c) and M.P.E.P §608.01(n). Claim 12 depends alternatively from Claims 9, or 10, or 11, of which Claims 10 and 11 are each separately dependent from independent Claim 9. Moreover Claim 15 depends alternatively from Claims 13 or 14, of which Claim 13 depends from independent Claim 9 and Claim 14 depends from Claim 13. Since Claims 12 and 15 are believed to be in proper multiple dependent form, Applicant respectfully requests that the objection to Claims 12 and 15 be withdrawn. If the Examiner refuses to withdraw the objection, the Examiner is respectfully requested to explain in the next Office Action why Claims 12 and 15 are believed to be improper multiple dependent claims in view of the above rules.

At paragraph 2 of the Office Action, Claims 9-15 were objected to because of an alleged spelling error in the word "die". Applicant respectfully disagrees with this objection and submits that the spelling of "die" in Claims 9-15 is supported at least by

paragraphs [013] and [014] of the specification filed with the application, and that the current spelling of that word is proper. Accordingly, Applicant respectfully requests that the objection to Claims 9-15 be withdrawn.

Claims 9-15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons to be discussed below.

At paragraph 5 of the Office Action, Claim 9 was rejected because it was deemed unclear how a diode can comprise a plurality of dies. Applicant traverses the rejection of Claim 9 and directs the Examiner's attention to paragraphs [001] and [022] of the specification which clarify how a diode can comprise a plurality of dies, according to one, non-limiting example embodiment of the invention. Accordingly, Applicant submits that Claim 9 is in compliance with 35 U.S.C. § 112, second paragraph and respectfully requests that the rejection be withdrawn.

At paragraph 6 of the Office Action, Claims 10-12 were deemed unclear because of the phrase "a light emitting diode". Applicant traverses the rejection of Claims 10-12 on the grounds that Applicant does not find the phrase "a light emitting diode" in Claims 10-12. If the Examiner is referring to the phrase "A light emitting diode" in those claims, then the next rejection is, frankly, not understood. Claims 9-12 are each directed to "A light emitting diode", wherein Claims 10-12 depend from Claim 9, and recite the proper introductory phrase used for dependent claims. (*See*, M.P.E.P. §§608.01(m)-(n) and 37 C.F.R. §1.75(c)). Therefore, Applicant respectfully requests that the rejections of Claims 10-12 be withdrawn.

At paragraph 7 of the Office Action, the phrase "the light emitting diode die is located directly on the metal core" in Claim 10 was deemed unclear apparently in light

of the so-called phrase "the die, arranged a light emitting diode printed circuit board by means of a die attach". Applicant traverses the rejection of Claim 10 because the phrase "the light emitting diode die is located directly on the metal core" in Claim 10 is supported by at least paragraph [026] of the specification, and therefore one of ordinary skill in the art would most certainly appreciate that Claim 10 does not conflict with Claim 9. Nonetheless, without conceding the propriety of the rejection, Claim 10 has been amended to remove the word "directly".

At paragraph 8 of the Office Action, the phrase "contact areas" in Claim 11 was deemed unclear as to which contact areas are referred to. Applicant traverses the rejection because one of ordinary skill in the art would clearly understand that the "contact areas" referred to in Claim 11 are those explicitly recited on line 9 of Claim 9. Nonetheless, without conceding the rejection's propriety, Claim 11 has been amended to make that reference more explicit. Accordingly, Applicant respectfully requests that the rejection of Claim 11 be withdrawn.

At paragraph 9 of the Office Action, Claims 13-15 were deemed rendered indefinite because they allegedly fail to further limit the subject matter of Claim 9. Applicant traverses the rejections of Claims 13-15 because those claims are directed to a light emitting diode light source having at least one light emitting diode according to Claim 9. That is, Claim 9 is directed to a light emitting diode and Claims 13-15 are directed to a light emitting diode light source that has the light emitting diode. Applicant submits that Claims 13-15 are in proper dependent form. Furthermore, Claims 13-15 recite additional recitations besides those set forth in Claim 9, and thus they do further

limit the subject matter of Claim 9. (*See*, M.P.E.P. §§608.01(m)-(n) and 37 C.F.R. §1.75(c)). Accordingly, Applicant respectfully requests that the rejection of Claims 13-15 be withdrawn.

At paragraphs 10 and 11, Claim 13 was deemed unclear owing to the phrases "at least one light emitting diode" and "the light emitting diode", respectively. Applicant respectfully traverses the rejection of Claim 13, and submits that those phrases are sufficiently clear to enable one of ordinary skill in the art to understand them to refer to the light emitting diode recited in Claim 9. Nonetheless, without conceding the rejection's propriety, Claim 13 has been amended in a manner which renders the rejection moot. Accordingly, Applicant respectfully requests that the rejection of Claim 13 be withdrawn.

At paragraph 12 of the Office Action, the phrase "at least half of the surface of the printed circuit board of the light emitting diode" recited in Claim 13 was deemed unclear for not identifying which surface of the printed circuit board is being referred to. Applicant has carefully reviewed and amended Claim 13, as deemed necessary, to even further ensure that it conforms fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraph 12 of the Office Action. It is believed that the rejection of Claim 13 under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

At paragraph 13 of the Office Action, the phrase "a plurality of through-contacts" in Claim 13 was deemed unclear for not identifying which plurality of through-contacts are referred to. Applicant disagrees with this analysis because, as would be clearly understood by one skilled in the art, that phrase refers to through-contacts of the

preceding identified "additional board". Nonetheless, without conceding the rejection's propriety, Claim 13 has been amended in a manner which obviates the rejection.

At paragraph 14 of the Office Action, the phrase "contact areas" in Claim 13 was deemed unclear in view of the same phrase being used in Claim 9. Applicant respectfully disagrees with the Office Action because the phrase "contact areas" is clearly recited in the preamble of Claim 13 as a feature of the upper surface of the additional board. Nonetheless, without conceding the rejection's propriety, Claim 13 has been amended in a manner which obviates the rejection.

At paragraph 15 of the Office Action, the phrase "light emitting diode light source" recited in Claims 14 and 15 was deemed unclear. Applicant respectfully disagrees with the Office Action because the phrase "light emitting diode light source" recited in Claims 14 and 15 most clearly refers to the device claimed in Claim 13. (*See*, M.P.E.P. §§608.01(m)-(n) and 37 C.F.R. §1.75(c)). Accordingly, Applicant requests that the rejections of Claims 14 and 15 be withdrawn.

At paragraph 16 of the Office Action, the phrase "the additional printed circuit board" in Claim 14 was deemed unclear, and paragraph 17 deemed the phrase "the through-contacts" in Claim 15 unclear. Applicant has carefully reviewed and amended Claims 14 and 15, as deemed necessary to even further ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraphs 16 and 17 of the Office Action. It is believed that the rejections of Claims 14 and 15 under Section 112, second paragraph, have been obviated, and their withdrawal is therefore respectfully requested.

For the foregoing reasons, the withdrawal of all Section 112 rejections is requested.

Claims 9, 12, and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Appl'n. Pub. 2005/0023548 (*Bhat et al.*)(hereinafter "*Bhat*") (issued as U.S. Patent 6,876,006). Claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bhat* in view of U.S. Patent 5,389,816 (*Shimizu*); Claims 14 and 15 were rejected as being unpatentable over *Bhat* in view of U.S. Pat. Appl'n. Pub. 2004/0113549 (*Roberts*); and Claim 15 was rejected as being unpatentable over *Bhat*.

Bhat has a filing date of July 31, 2003. Applicant submits that the priority date for the subject application predates the filing of *Bhat*. Specifically, the subject application claims priority to Austrian Application No. A1072/2003, which was filed on July 11, 2003. Accompanying this Response is a sworn English translation of that priority document. While Applicant submits that the priority document supports the pending claims, in accordance with MPEP § 201.15, the Examiner is respectfully requested to confirm for himself that Applicant is entitled to his priority date, and upon such confirmation, to remove *Bhat* as a reference against the subject application.

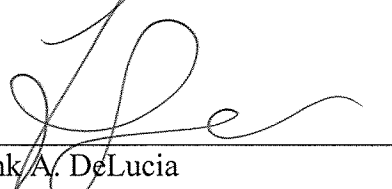
The Office Action does not assert that any of the other references cited against Claims 9-15 renders them anticipated or unpatentable in the absence of *Bhat*. Therefore, Applicant submits that Claims 9-15 are patentable and respectfully requests that the outstanding rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) be withdrawn.

For at least the foregoing reasons this Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116, as directed merely to matters of form, is

believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. DeLucia', written over a horizontal line.

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